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REMARKS

The specification has been amended in several respects in response to the examiner's formal objections directed to the drawings and the specification. Additionally, claim 1 has been amended to overcome the alleged informalities and to clarify the operation of the claimed invention in order to more clearly distinguish it from the disclosures contained in the references that were relied upon by the examiner. Claim 6 has been amended to adopt the examiner's suggestion, although the use of "an" before an initial unstressed syllable beginning with a weakly pronounced "h" is acceptable usage.

The drawings were objected to on the ground that reference characters "A" and "17" shown in Fig. 3 were not identified in the specification. In that regard, paragraphs 0027 and 0028 have been amended to include those reference characters.

The disclosure was objected to based upon two informalities. In that regard, paragraphs 0005 and 0006 of the specification have been amended to adopt the examiner's suggestions.

Claim 1 was rejected as indefinite because of the inclusion of the terms "generally" and "substantially." And although those terms are generally accepted and can be found in numerous patent claims, and although it is believed that one skilled in the art would understand the scope of the invention were those terms to be included in the claims, the terms have been cancelled in order to overcome the alleged indefiniteness.

Claims 1 through 7 were rejected as anticipated by the Shelby '357

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reference. In that regard, it should at first be noted that the Shelby reference was also cited by the international examiner during the international phase of the present application, who concluded that all the claims as they had been originally presented during the international phase, which claims correspond in substance with the claims in the present application, met each of the PCT criteria of novelty, inventive step (nonobviousness), and industrial applicability (utility). Secondly, claim 1 has been amended to recite that the loader arms lift the working implement and the hydraulically extendable center rod serves to tilt the working implement.

The Shelby reference neither shows nor even remotely suggests the structure and function as claimed in amended claim 1. Instead, that reference clearly shows a multiple link arrangement and teaches that cylinder 12 of the apparatus provides extra lift, in addition to that provided by the lifting levers 36, 38 (see Shelby, col. 5, lines 37 through 39). It does not teach that cylinder 12 serves to tilt bucket 26. Moreover, the tilting function in the Shelby apparatus is provided not by cylinder 12, but by the manually operated actuating means in the form of a hand lever 80 that releases latch 66 to allow bucket 26 to tilt (see Shelby, col. 4, lines 64 through 69). And, of course, the functional limitations that are included in claim 1 must be given full effect in a patentability evaluation (see MPEP § 2173.05(g)). Thus, the lifting and tilting apparatus disclosed in the Shelby reference is both structurally and functionally different from the invention as it is claimed in amended claim 1.

Claims 2 through 7 each depend from claim 1, either directly or indirectly,

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and therefore those claims are also distinguishable over the Shelby disclosure for the same reasons as are given above in connection with claim 1. Furthermore, the dependent claims include additional recitations that further distinguish the invention as so claimed from the teachings of the Shelby reference.

Claim 8 was rejected as obvious based upon the Shelby '357 and the Hare '796 references. The Hare reference was cited for showing loader arms secured to lifting arms by means of cotter pins. However, even in the Hare reference the tilting function is provided not by hydraulically operated elements, but instead by the manually operated actuating means in the form of rope 112 (see Hare, col. 4, lines 21 through 24). Again, the Hare reference is both structurally and functionally different from the invention as it is claimed in amended claim 1, from which claim 8 depends. And even if those references were to be combined, because neither reference individually discloses hydraulically-operated tilting of a working implement, any combination of those references also neither teaches nor suggests the claimed arrangement.

Furthermore, in connection with combining the teachings of the references, it is not apparent which elements of which reference are to be combined with which elements of the other reference, and which elements of which reference are to be omitted from any combination of the teachings of the two references. And because the references do not contain any teaching or suggestion as to precisely how they could be combined to arrive at the invention as claimed, apparently the only motivation for combining the references in the manner the examiner has done is the disclosure of the present application. But it

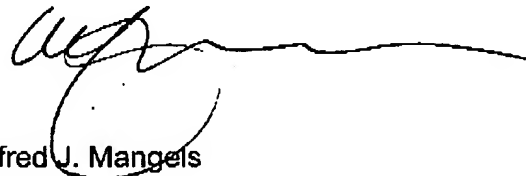
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is an improper basis for rejection to use as a road map or as a template an inventor's disclosure to aid in picking and choosing particular parts of particular references that allegedly can be combined to render obvious that which only the inventor has taught.

Based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in allowable form in that they patentably distinguish over the disclosures contained in the references that were cited and relied upon by the examiner, whether those references be considered in the context of 35 U.S.C. § 102 or of 35 U.S.C. § 103. Additionally, the examiner's objections to the specification and to the drawings have been overcome. Consequently, this application is believed to be in condition for allowance, and reconsideration and reexamination of the application is respectfully requested with a view toward the issuance of an early Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,



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